

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff

v.

CIVIL NO. 20-

ONE (1) GLOCK PISTOL, MODEL 26,
SERIAL NUMBER MPH881 AND
ELEVEN (11) ROUNDS OF 9MM
AMMUNITION,
Defendant.

VERIFIED COMPLAINT FOR FORFEITURE IN REM

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, W. Stephen Muldrow, United States Attorney for the District of Puerto Rico; Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief Civil Division; and Maritza González-Rivera, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

NATURE OF THE ACTION

This is a civil action in rem brought to enforce the provisions of Title 18, United States Code, Sections 924(c)(1)(A), 922(g)(1), 981(a)(1)(c) and 924(d); and Title 28, United States Code, Section 841(a)(1).

DEFENDANT IN REM

The defendant property seized by an officer of the Drug Enforcement Administration (“DEA”), consist of: One (1) Glock, Model 26, Serial Number MPH881, and Eleven (11) rounds of 9mm ammunition.

JURISDICTION AND VENUE

This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28, United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 18, United States Code, Sections 981(a)(1)(c) and 924(d).

BASIS FOR FORFEITURE

This court has in rem jurisdiction over defendant property pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant property is found in this district).

Venues is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant property is found in this district).

CLAIM FOR RELIEF

This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Sections 981(a)(1)(c) – Civil Forfeiture and 924(d) – Penalties: Firearms Forfeiture.

FACTS

The facts and circumstances supporting the seizure and forfeiture of defendant property are contained in the Title 28, United States Code, Section 1746 unsworn declaration of DEA Special Agent, Sandy G. Ordonez attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for defendant property be issued; that due notice be given to all parties to appear and show cause why forfeiture should not be decreed; that judgment be entered declaring defendant property condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1st day of April 2020.

W. STEPHEN MULDROW
United States Attorney

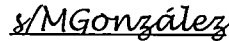
s/MGonzález
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Assistant U.S. Attorney
350 Chardon Street
1201 Torre Chardon Building
Hato Rey, Puerto Rico 00918
Tel. (787) 766-5656
Fax. (787) 771-4050
Email: Maritza.gonzalez@usdoj.gov

VERIFIED DECLARATION

I, Maritza González-Rivera, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the DEA; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 1st day of April 2020.



Maritza González-Rivera
Assistant U.S. Attorney

VERIFIED DECLARATION

I, Sandy G. Ordonez, DEA Special Agent, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture In Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 1st day of April 2020.


Sandy G. Ordonez
DEA Special Agent

**UNSWORN DECLARATION IN SUPPORT OF
CIVIL FORFEITURE COMPLAINT**

INTRODUCTION

Pursuant to Title 28, United States Code, Section 1746, I, Sandy G. Ordonez, Special Agent of the Drug Enforcement Administration (DEA), declare under penalty of perjury that the following is true and correct:

PROFESSIONAL BACKGROUND

I have been employed by the DEA as a Special Agent for approximately three years. I am currently assigned to the Caribbean Division. I have received specialized training in the enforcement of laws concerning controlled substances as found in Title 21, United States Code, Sections 841(a)(1), and 846 and Title 21, United States Code, Section 924(c).

Through investigations and training, I am familiar with narcotics smuggling techniques, the types and amounts of profits made by drug dealers and methods, language, and terms, which are used to disguise the source and nature of the profits from their illegal activities.

Because this Unsworn Declaration is submitted for a limited purpose, I have not included details of every aspect of this investigation. I am thoroughly familiar with the information contained in this Declaration, either through personal investigation or through discussions with other law enforcement officers who have interviewed individuals or personally have obtained information, which they in turn have reported to me.

This Unsworn Declaration is submitted in support of a civil forfeiture action, which involves the offenses related in:

- a. Title 18, United States Code, Section 924(c)(1)(A) – Possession of a Firearm in furtherance of drug trafficking crime.
- b. Title 18, United States Code, Section 922(g)(1) – Felon in possession of a firearm.
- c. Title 28, United States Code, Section 841(a)(1) – Possession with intent to distribute controlled substances.
- d. Title 18, United States Code, Section 981(a)(1)(c) – Civil Forfeiture.
- e. Title 18, United States Code, Section 924(d) – Firearm and Ammunition Forfeiture.

ITEMS TO BE FORFEITED

This Unsworn Declaration is offered in support of a civil complaint for the forfeiture of the following seized asset:

- a. One (1) Glock Pistol, Model 26, Serial Number MPH881; and
- b. Eleven (11) rounds of 9mm ammunition.

FACTUAL BACKGROUND

Based upon my personal knowledge and information furnished to me by other Federal and State Law Enforcement Officers, I am fully aware and allege the following facts to be true and correct:

On April 28, 2017, Puerto Rico Police Department (PRPD), Fuerzas Unidas de Rapida Accion (FURA) received information regarding a report of suspicious activity in El Coral Public Housing Project (PHP) in Carolina, PR. The information received by the PRPD FURA officers indicated that there were several weapon and drug transactions taking place in building #2, at the aforementioned PHP. The information also indicated that there was a dark skin (unidentified) male wearing a black shirt, conducting several drug transactions at building #2. In addition, PRPD

FURA representatives were also notified that an Acura TL-S, with Puerto Rico license plate FWY-918 (registered to Abel Medina-Santiago) was located inside El Coral PHP transporting weapons and drugs equipped with a hidden compartment.

Based on the information, at approximately 11:00 a.m., PRPD FURA agents arrived at El Coral PHP in Carolina, PR. Once inside the PHP and in the vicinity of building #2, FURA Agent Eric Cotto-Matos observed a dark skin male wearing a black shirt, subsequently identified as a "Minor", holding a clear plastic bag which contained several baggies with a white powdery substance, believed to be cocaine. The individual observed the marked unit and started running. After this, FURA Agent Eric Cotto-Matos, wearing his PRPD uniform, began foot chasing the "Minor" and observed the "Minor" running towards the 4th floor of building #2. After this, FURA Agent Eric Cotto-Matos observed the "Minor" enter inside apartment #39 and subsequently closed the front door. PRPD FURA agents indicated to DEA agents that they contacted Puerto Rico Departamento de la Vivienda (PRDV) and they (PRDV) indicated that Apartment #39 was vacated and no registered personnel was currently residing at apartment #39.

After this, FURA Agent Eric Cotto-Matos opened the front door and once inside apartment #39, FURA Agent Eric Cotto-Matos came across a female, subsequently identified as Darcy Lynnette Torres-Vazquez. After this, FURA Agent Eric Cotto-Matos asked Torres-Vazquez the location of the "Minor" wearing the black shirt. Torres-Vazquez pointed to the room, hereinafter referred to as Room #1, where the "Minor" was located. After this, FURA Agent Eric Cotto-Matos opened Room #1 and encountered the "Minor", wearing a black shirt, and placed him under arrest. After placing the "Minor" under arrest, FURA Agent Eric Cotto-Matos observed a clear plastic bag, which

contained several baggies with a white powdery substance, believed to be cocaine, located inside Room #1.

After this, FURA Agent Eric Cotto-Matos proceeded to Room #2 where he knocked and announced his presence. An unidentified individual, subsequently identified as Joshua Miguel Rivera, opened the door of Room #2 and immediately closed the door, blocking the access of Room #2. After this, FURA Agent Eric Cotto-Matos, pushed the door and gained access to Room #2, where he observed a loaded Glock 26 pistol, approximately 90 baggies containing a white powdery substance, a ceramic plate containing a white powdery substance, an undetermined amount of US currency, and the car keys to the aforementioned Acura TL-S that were located on top of a bed. After this, FURA Agent Eric Cotto-Matos placed Joshua Miguel Rivera under arrest.

PRPD FURA Agents transferred Joshua Miguel Rivera and others to FURA San Juan for further processing and questioning. Later, PRPD FURA Agents transferred Joshua Miguel Rivera to the DEA office in Guaynabo for federal prosecution. Investigators learned that on February 15, 2014, Joshua Miguel Rivera pleaded guilty for Title 18, United States Code, Sections 922(g)(3) and 924(a)(2) - Possession of a weapon by a prohibited person under criminal case: 3:13-601-01 (JAG). And at the time of his arrest, Joshua Miguel Rivera was under a federal supervised release.

On May 3, 2017, a Federal Grand Jury for the District of Puerto Rico returned an Indictment against Joshua Miguel Rivera charging him with violation to Title 18, United States Code, Sections 924 (c)(1)(A) and 922(g)(1); and Title 28, United States Code, Section 841(a)(1). See United States v. Joshua Miguel Rivera, 17-283(ADC).

In reference to these events, the aforementioned firearm and ammunition, described as a Glock pistol (model 26, serial number MPH881) and one (1) magazine

with eleven (11) rounds of 9mm ammunition was seized and held as evidence. Joshua Miguel Rivera does not have a gun permit in the Commonwealth of Puerto Rico.

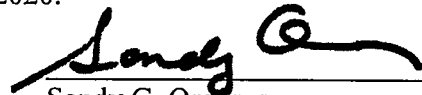
On June 12, 2018, defendant Joshua Miguel Rivera entered a Plea and Forfeiture Agreement as to Counts One and Two of the Indictment. See Rivera at Docket No. 33.

On July 23, 2019, Joshua Miguel Rivera was sentenced by U.S. District Judge Aida Delgado Colon in the District of Puerto Rico to the following: Count One – Possession of a firearm in furtherance of a drug trafficking crime. Count Two – Possession with intent to distribute cocaine. The defendant pleaded guilty to Counts One and Two of the indictment of 6/12/2018; seventy-two (72) months as to count one and ten (10) months as to count two for a total of eighty-two (82) months to be served consecutively. Upon release from imprisonment, defendant will be on supervised release for a term of: five (5) years as to count one and three (3) years as to count two to be served concurrently, and a monetary penalty of \$200.00. However, the aforementioned Glock 26 and the ammunition were not forfeited as part of the criminal proceedings. See Id at Docket No. 45.

Based upon my training and experience, and my participation in other investigations, and facts concerning this investigation, I believe that the Glock 26 and the eleven (11) rounds of 9mm ammunition are subject to civil forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(c).

Sworn and signed under penalty of perjury, pursuant to Title 28, United States Code, Section 1746.

In San Juan, Puerto Rico this 1st of April 2020.


Sandy G. Ordonez
Special Agent
Drug Enforcement Administration

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Maritza Gonzalez-Rivera, AUSA, 350 Carlos Chardon Ave, Suite
1201, Hato Rey, PR 00918

DEFENDANTS

One (1) Glock, Model 26, Serial No. MPH881 and Eleven (11)
rounds of 9mm ammunition.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statutes, Federal Rules of Civil Procedure, or other authority:
Title 18, United States Code, Sections 981(a)(1)(C), 924(d), 924(c)(1)(A), 922(g)(1) and
Title 28, United States Code, Section 841(a)(1).

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
4/01/2020

SIGNATURE OF ATTORNEY OF RECORD
s/Maritza Gonzalez-Rivera

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____


United States District Court *for the* District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

U.S. v. One (1) Glock, Model 26, Serial No. MPH881, and Eleven (11) rounds of 9mm ammunition.

2. Category in which case belongs: (See Local Rules)

☒

ORDINARY CIVIL CASE
SOCIAL SECURITY
BANK CASE
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒

NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒

NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒

NO

(Please Print)

USDC ATTORNEY'S ID NO.

USDC # 208801

ATTORNEY'S NAME:

Maritza González-Rivera

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

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